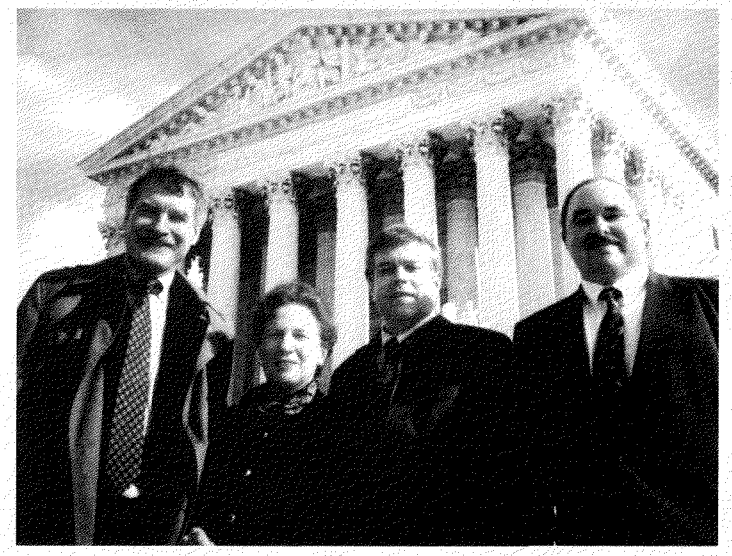
Volume 7 - Number 1

ProEnglish

THE PROENGLISH Advocate

Supreme Court Ruling Pending in Crucial Appeal of Alabama Official English Law

On January 16th attorneys representing the State of Alabama presented their arguments in *Alexander v. Sandoval* (no. 99-1908), in a dramatic hour of intense examination before the United States Supreme Court. Unless Alabama wins its appeal, the case could do irreversible damage to the cause of language unity in the United States. Underscoring its importance, ProEnglish, joined by fourteen congressmen and two other national organizations, the English First Foundation and the Center for American Unity, intervened by filing a legal brief on behalf of Alabama (see p. 4 for a list of cosponsoring congressmen).



KC McAlpin-ProEnglish, Edith Hakola-Center for American Unity, Jim Boulet-English First Foundation, Barnaby Zall-Legal Counsel, at Supreme Court hearing on Alabama Appeal, Jan, 16, 2001

Alabama began giving driver's license exams exclusively in English after voters passed a citizen's initiative making English the state's official language by a 9-1 margin in 1990. State officials cited concerns about cheating and the public's driving safety as additional reasons for making the change.

But Martha Sandoval, a seventeen-year legal resident alien in the state, sued Alabama with help from the ACLU, claiming its failure to provide a Spanish language exam amounted to "national origin" discrimination and was therefore illegal under the 1964 Civil Rights Law. Although similar attempts to redefine "national origin" discrimination to include language had been tried and turned down in a number of earlier court decisions, this time the federal judge agreed and ruled in favor of Sandoval.

The ruling was quickly seized on by the Clinton Administration as its legal ground for issuing Executive Order 13166, a sweeping decree mandating that all federally funded government agencies – federal, state, and local – become multilingual service providers on demand (see story p. 5).

Despite the importance of the language issue, some observers cautioned that the high court could choose to ignore it and decide *Sandoval* on the technical issue of whether or not an individual has the right to sue a state government agency under the 1964 civil rights law. But a ruling in favor of Alabama's appeal would still be an important victory for the official English movement, because it would nullify the lower court's radical redefinition of national origin discrimination. A decision is expected in May.

The following information applies to the enclosed package in its entirety, ProEnglish is a project of U.S. U.S. is a 501(c)(3) tax-exempt organization and as such, can expend only a specific portion of its overall resources on lobbying activities. While your contribution will not be earmarked for a specific campaign, its availability at this time will assist us in meeting all of our goals. A copy of our latest financial report may be obtained from either the Secretary of State of New York, Albany, NY 12231 or from U.S., 445 East Mitchell St., Petoskey, MI 49770-2623. The official registration and financial information of U.S. may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania 1-800-732-0999. Registration does not imply endorsement. West Virginia residents my obtain a summary of the registration and financial documents from the Secretary of State, State Capitol, Charleston, WV 25305.

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NEWS ITEM: AUGUST 10, 2018
Tower Construction Halted by Mass Confusion - Multilingual Law is Blamed

by John Boxmeyer

LOS ANGELES - Citing insurmountable difficulties in communication, the firm constructing what was to be the world's tallest building halted work yesterday and abandoned the project. Babel Park Towers, a 185-story office, residential and shopping complex, was slated to open early in 2021 but activity stopped 16 months after the April 1, 2017 groundbreaking. The only work completed was a fence around the site and the installation of portable toilets. Insiders say that the lack of progress is an indication of the language barriers that the project struggled with from the beginning.

The building's designer expressed regret at the announcement. "It was to have been a grand expression of man's ingenuity reaching toward heaven itself," said Leo G. Bombast of the architectural firm Mullin, Bombast & Hendricks. "Basically, this project failed because a foreman could ask a worker for a shovel and get handed a tape measure," said Bombast. "If one of the translators wasn't standing at the right place, at the right time, we couldn't move so much as a spoonful of dirt."

Altair Properties, the developer of the project, said in an official statement that all employees walked off the job when mass confusion forced work to a standstill. Apparently, the 12 languages used by 285 employees involved in the construction proved too high a hurdle for what was to be the 2,110-foot Babel Park Towers. Officials at the firm blamed federal laws that compel employers to fill positions based on language quotas and the resultant need to issue all written and verbal instructions to workers in a dozen languages.

At issue is the Federal Initiative to Develop Diversity of Language in Employment (FIDDLE), also commonly referred to as the Multilingual Mandate. The law, enacted in 2014, requires employers to hire based upon a representative sampling of all languages in their region. The law forbids employers from showing preference to applicants who speak English, even as a second language. Another requirement is that employers hire one translator for each language represented in their company.

Administration officials were quick to defend the law against attacks by business leaders. Sheldrick Botchworth, the president's Lingual Diversity Advisor and a sponsor of the legislation when he was in the Senate, addressed the issue at a White House press conference. "The law is a sound measure to insure that lingual minorities aren't excluded from opportunities in any field, whether it is medicine, science or air traffic control," said Botchworth. "We can't return to the intolerant days when immigrants were burdened with English regardless of the damage to their self-esteem." Botchworth's remarks were broadcast simultaneously over all 54 language channels of National News.

(Editor's note: The foregoing is an edited version of a fictional story by John Boxmeyer, which appeared Aug. 28, 1998 in the *Bucks County (PA) Courier Times*)

Pennsylvania Drops Driver's License Exams in Three Languages Due to Cheating

The state of Pennsylvania has stopped offering drivers license tests in three foreign languages, after uncovering widespread cheating. Tests in Russian, Chinese and Vietnamese were discontinued after "cheat sheets" in these languages were found being sold on the street. Tests in Spanish are still allowed, because computer-generated tests that generate a random list of questions are used, making cheating more difficult.

The state is looking into adding computer-generated tests for the discontinued languages, but its contract with the testing company lasts until 2002. Whether or not people who cannot read the state's street and road signs can safely operate vehicles on Pennsylvania's roads, apparently is not an issue.

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Poll Reflects Growing Hispanic Preference for Spanish, Doubts About Assimilation

A survey of Hispanic attitudes on a variety of subjects this fall revealed worrisome trends on language and assimilation. Bilingual interviews of 1206 Hispanic households conducted by Hispanic MONITOR, a Yankelovich consumer research publication, found that the percentage of Hispanic households preferring to use Spanish at home and work, and for getting news, had increased from 44 percent to 53 percent in just the last three years.

In addition, 69 percent of those surveyed say that Spanish is more important to them now than five years ago and only 64 percent say they are concerned with fitting in to American society, compared to 72 percent in 1997. The Yankelovich researchers made no effort to screen for legal status, so survey results were likely to have been influenced by the record numbers of illegal aliens now residing in the U.S. Still, the results portend deeply troubling trends for those concerned with the national unity and the traditional American ideal of the "melting pot."

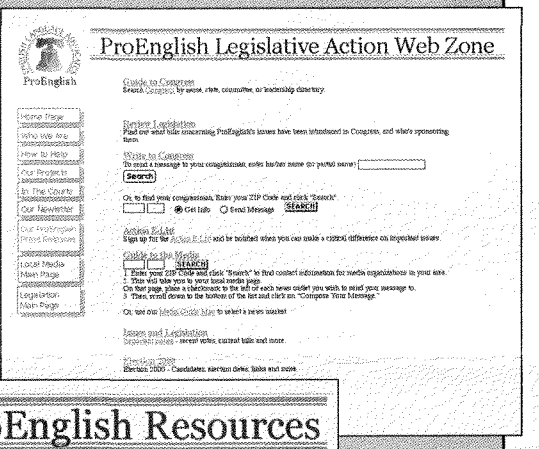
"These survey results should be a wake-up call to our elected leaders from the president on down," said ProEnglish director, K.C. McAlpin. "Unless we take real steps to preserve our common identity as Americans, such as making English our official language, we will destroy the engine that has forged one nation out of people from every nation and tongue," he added.

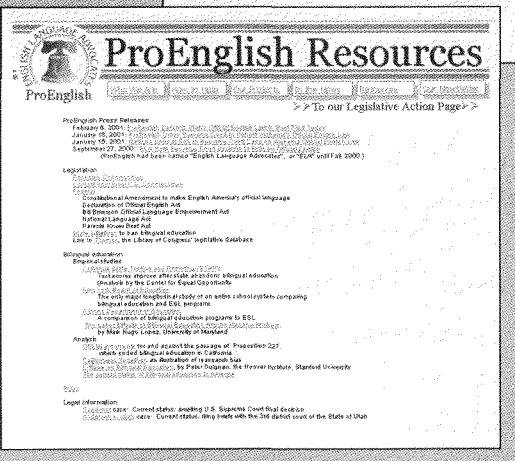
ProEnglish Website Makes it Easy to Contact Congress

ProEnglish has more information than ever available on our website, www.ProEnglish.org. Recent additions include the text of various bills in Congress, lists of bill sponsors and co-sponsors, and a page that makes it easy for you to compose and send messages to your congressmen.

To use the message capability, go to the ProEnglish Legislative Action Center (www.ProEnglish.org/legislative.html). Below "Write to Congress," enter your Congressman's name, and click on the "Search" button. If you don't know your congressman's name, you can search for it by entering your zip code. Follow directions to compose a letter that can be printed and faxed or mailed, or automatically sent via e-mail to a congressional office.

There is also a new "Resources" page (www.ProEnglish.org/resources/resources.html), which provides guides to useful information including information about legislation, past issues of the newsletter, current news articles and many other resources. You can also contact ProEnglish directly by sending an e-mail message to: mail@proenglish.org.





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ProEnglish Joins Fight to Defend Utah's Official English Law

In November, Utah voters passed a citizen's initiative making English the official language for government business by an overwhelming 2-1 margin. The vote made Utah the 26th state to adopt English as its official language. The victory was especially noteworthy because it came in the face of opposition by Utah's business and political establishment — including the state's Republican Governor and (then) Democratic Attorney General.

Almost immediately after its passage, several individuals and groups with the aid of the American Civil Liberties Union (ACLU), filed a suit to block the law in state court claiming it violated Utah's constitution. Legal observers say the legal defense mounted by the State of Utah, is extremely weak. In his official statement before the court, Utah's Assistant Attorney General, Jerrold Jensen, not only expressed doubt that the official English law would be upheld, but in a later newspaper interview openly criticized the initiative as "flawed," and said it should be struck down.

Chairman, Bob Park, Announcing ProEnglish's Supreme Court Filing, National Press Club, Nov. 13, 2000.

ProEnglish entered the case, *Anderson versus Utah*, and filed a brief February 6th, strongly defending the law's constitutionality. ProEnglish executive director, K.C. McAlpin blasted the attitude of Utah state officials as "a blatant attempt to undermine democracy and the rule of law" and added "In Utah, as in other states, the people are the government and they have spoken very loudly in favor of adopting English as their official language. The Attorney General's duty is to uphold all the laws of the State of Utah – not just those laws with which he personally agrees."

The complete text of ProEnglish's brief defending Utah's law, as well as the complete text of ProEnglish's brief in Alabama's appeal to the Supreme Court, are available on the ProEnglish Internet website at "www.proenglish.org," or by writing to ProEnglish, 1601 N. Kent, Suite 1100, Arlington, VA 22209.

Quote of the Day

"I didn't really expect people to learn Spanish when I first came here. Sometimes, many of us think that we should be the ones who learn the new language . . . But it's good that other people who are living here also try to learn." Juan Ruiz, a landscape worker from Mexico, now living and working in northern Virginia commenting on the growing number of non-native Spanish speakers in the area — the *Washington Post*, Monday, Dec. 11, 2000.

Congressional Co-Sponsors of ProEnglish's Supreme Court Brief

ProEnglish wishes to express its appreciation to the following members of the U.S. House of Representatives who joined as sponsors of its Supreme Court brief in defense of Alabama's official English law in *Alexander v. Sandoval*:

Representatives
Tom Tancredo (R-CO),
Spencer Bachus (R-AL),
Bob Barr (R-GA),
John Doolittle (R-CA),
Bob Goodlatte (R-VA),
Ernest Istook (R-OK),
Joe Knollenberg (R-MI),
William Lipinski (D-IL),
Charlie Norwood (R-GA),
Ron Paul (R-TX),
Bob Riley (R-AL),
Dana Rohrabacher (R-CA),
Nick Smith (R-MI),
and Bob Stump (R-AZ).

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Clinton's "Tower of Babel" Order Imposes Huge New Costs on Taxpayers

One certain outcome of President Clinton's Executive Order 13166, which decreed that all federally funded government entities provide services in languages other than English, is a huge new bill for American taxpayers. The order, issued August 11, 2000, relied on the *Sandoval* decision to assert its claim that the order merely "interpreted" existing law rather than created a radical new federal mandate (see story p.1).

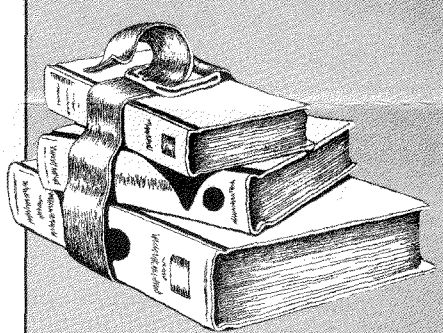
This allowed President Clinton to get around the constitutional requirement that Congress must approve the expenditure of public funds. Since E.O. 13166 was signed, several federal agencies including the departments of Justice, Labor, and Transportation have already issued regulations. Whatever other conflict or confusion is likely to result from these guidelines, ProEnglish's initial review reveals that they will impose enormous costs on taxpayers at all levels of government.

For example, Department of Justice implementing guidelines require that "competent" interpreter services for non-English speaking persons be made available at all security checkpoints, information desks, and building entrance or reception areas. Signs must be posted in three languages including the two most commonly spoken foreign languages in a given area. Complaint forms must be translated into the five most commonly spoken languages other than English. Outreach materials must be translated into the ten most commonly spoken languages, and consideration must be given to translating such materials into up to thirty of the most commonly spoken languages in the U.S. Based on the 1990 Census, the last could require the translation of documents into languages such as Miao, Gujarathi, and Urdu.

In addition the guidelines issued by these federal agencies are full of subjective words and modifiers such as "reasonable steps," "meaningful access," "to the maximum extent practical," and many similar phrases that make it clear compliance will be at the arbitrary decision of government bureaucrats. Eventually every government agency in the country receiving even one dime of federal aid including local schools, libraries, and community health clinics will be subject to similar regulations.

ProEnglish chairman Bob Park pledged that "ProEnglish will not cease working until this unconstitutional mandate is overturned by Congress, or by appropriate executive branch action. Nothing could illustrate more clearly why we need a law declaring English the official language of government in the United States."

Massachusetts Legislator Takes Aim at Bilingual Education



Describing Massachusetts' bilingual education program as "a failure of epic proportions," State Senator Guy W. Glodis (D-Worcester) has introduced a bill to limit bilingual education to one year. "What was originally intended to be a rapid transition program has become a disservice to the very students it was intended to help," said Glodis.

This is the second time that Senator Glodis has introduced his bill, which died in the Senate last year due to time constraints. Glodis threatened to take the issue to the people in the form of a ballot initiative if the legislature fails to act. Massachusetts Department of Education commissioner, David Driscoll, however, denounced the idea of a voter referendum as "ultimately divisive," and urged more modest reforms.

[Representative's name]
House of Representatives
Boston, MA 02133

[Senator's name]
Massachusetts State Senate
Boston, MA 02133

Gov. Paul Celucci
State House, Room 360
Boston, MA 02133

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Iowa Considers Becoming the 27th State to Adopt Official English

Majority leaders in the Iowa legislature are working on a bill to make English the state's official language. The bill would require that state and local government documents, meetings, proceedings and transactions be published or conducted in English. Exceptions are made for commerce, tourism, trade, public health, safety, and protecting the rights of victims and defendants in the criminal justice system.

State Senator Steve King (R-Kiron), the bill's sponsor, argued for the bill: "Are we going to end up in the country with official, multi-cultural enclaves... or are we going to view ourselves all as Americans?" 22 Republicans have cosponsored the legislation.

Democratic Governor Tom Vilsack has said he may support the bill, if it contains assistance for immigrants. Many of the state's other leading Democrats, however, are opposing it as "anti-immigrant." Senate Minority leader Mike Gronstal (D-Council Bluffs) argued that assimilation "is the kind of word that many would find offensive."

Although Republicans hold a majority in both houses of the Iowa state legislature, some Republicans are hesitant to support the bill. Sen. Maggie Tinsman (R-Bettendorf) wondered whether it was "redundant," adding that she "also want[s] to be welcoming to new people who move to the state."

Before the 2000 elections, an Iowa Poll, published in the Des Moines Register, found that 81% of Iowans favored making English the state's official language, with only 15% opposed.

ProEnglish supporters in Iowa can write their elected officials at the following addresses:

[Representative's name]
House of Representatives
Des Moines, IA 50319

[Senator's name]
Iowa State Senate
Des Moines, IA 50319

Governor Tom Vilsack
State Capitol
Des Moines, IA 50319

Our Multicultural Future

"When we lose our connection with a common past, we no longer have a common future. When we no longer revere the same heroes or respect the same words, we lose the thread of our story. The mythic tie is broken, and our future unravels."

Columnist Paul Greenberg, carried in *The Washington Times*, Feb. 12, 2001.

Rout in Puerto Rican Election Dims Prospects for Statehood

The pro-statehood New Progressive Party (NPP) lost decisively to the pro-commonwealth Popular Democratic Party (PDP) in Puerto Rico's recent elections. The election gave the PDP 29 of 51 house seats and 21 of 30 senate seats, as well as the governorship. The fifteen-seat turnover in the house amounted to 29% of the entire body. If a shift of similar proportions had occurred in elections for the U.S. House of Representatives, it would have meant a pick-up of 128 seats for the winning party.

The race for governor was much closer. The PDP's Sila Calderon defeated NPP candidate Carlos Pesquera 49% to 46%, and will become first female governor in Puerto Rico's history. She replaces NPP Governor Pedro Rosello, who had made winning statehood for the Spanish-speaking commonwealth one of his major goals.

Although a number of issues contributed to the NPP's defeat, the across-the-board-losses by the pro-statehood party are likely to stall the campaign for Puerto Rican statehood. ProEnglish opposes statehood for any territory that does not have English as its official language.

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Several Pro-English Bills Expected in the 107th Congress

Several bills making English the official language or curtailing bilingual education have been introduced, and more are expected in the new Congress. This is a summary of the situation at the time this newsletter went to press.

Representative Bob Barr (R-GA) – a bill to make English the official language similar to last session's H.R. 123, the Bill Emerson English Empowerment Act.

Representative Bob Stump (R-AZ) – a bill to rescind Executive Order 13166, and a bill to make English the official language.

Representative John Doolittle (R-CA) – House Joint Resolution 16 – a constitutional amendment making English the official language.

Representative Jeff Flake (R-AZ) – H.R. 637 – a bill to end the federal mandate for bilingual education funding, in favor of local decision-making.

Representative Peter King (R-NY) – H.R. 280 – a bill to make English the official language that would also end the federal mandate for bilingual education funding.

Representative Tom Tancredo (R-CO) – H.R. 385 – a new version of the "Parents Know Best Act" requiring parental consent for student placement in bilingual education classes.

Administration's Education Proposal Calls for an End to Bilingual Funding Mandate

President Bush's education proposal to Congress calls for eliminating the requirement that federal aid for teaching limited English proficient (LEP) children be spent on bilingual education. Instead, the president urges that local school systems be given the flexibility to choose the instructional program they want as long as they can demonstrate that they are making progress.

The Administration's proposal would limit a student's time in bilingual education to a maximum of three years. After that school systems "will be required to teach children in English."

ProEnglish chairman Bob Park welcomed the Administration's initiative saying that if it were enacted into law, it would spell the end for numerous bilingual programs that are not likely to survive without federal subsidies and the current lack of accountability. "It is time to bring the failed experiment called bilingual education to an end," said Park. "ProEnglish supports the president's education reforms related to Limited English Proficient (LEP) programs and we urge Congress to pass them without delay." Park warned that the president's proposal would face strong opposition in Congress from an entrenched bilingual education bureaucracy that was far more interested in maintaining its own perks, power, and subsidies, than in the long-term interests of LEP students it purports to serve.

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English Language Movement Wins Big at Polls

Largely lost in the news about the contested presidential election, was news about the landslide victories of the English language movement in the only two states in which English figured in ballot initiatives last November.

In Arizona, voters passed Proposition 203, an initiative to ban bilingual education, by a whopping 63 to 37 percent. The victory came in the same election in which President Bush was carrying Arizona with only 50 percent of the vote. And it passed overwhelmingly despite the opposition of most statewide political leaders and a well-funded media campaign against it. The win was a personal triumph for California businessman, Ron Unz, who has led the drive to end bilingual education by underwriting the cost of putting initiatives on the ballot in California (1998) and Arizona (2000).

In Utah, a citizen's initiative to make English the state's official language passed by an even greater landslide of 67 to 33 percent. As in Arizona, the Utah initiative won in the face of virtual unanimous opposition by Utah's political establishment, who argued that making English the state's official language would offend non-English speaking immigrants and harm the state's economy (see related story).

The twin victories in Arizona and Utah are certain to boost chances that pro-English initiatives will be on the ballot in more states in the 2002 elections. Colorado, Oklahoma, Massachusetts, and New York are among the states mentioned as strong possibilities by pro-English activists.

Bills Banning Bilingual Education on Hold in Virginia, Advance in Mississippi

Virginia State Senator Warren Barry (R-Fairfax), author of Virginia's official English law, decided to refer his bill banning bilingual education to a study committee for one year, after introducing it in the current session. His office expressed his deep appreciation to ProEnglish's members in Virginia for the many messages of encouragement and support he received in support of his bill.

Meanwhile Mississippi House Bill 298 banning bilingual education passed the State House of Representatives and was given a good chance of passing the State Senate. Sponsored by State Representative John Reeves (R-Hinds), the bill requires that all public school instruction be delivered to students "in the standard English language." Mississippi's legislature must act by March 31, if H.B. 298 has a chance to become law this year.

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